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BEFORE THE HIGHER EDUCATION COORDINATING COMMISSION
 OF THE STATE OF OREGON

In the Matter of
 the Unlicensed Activity of
 Saba Cooperative, Myco-Method

FINAL ORDER OF DEFAULT

6:24-cv-00004-MC

The Higher Education Coordinating Commission ("Commission") is the state agency responsible for licensing, regulating, and disciplining certain private career schools. Saba Cooperative, Myco Method ("School") is operating an unlicensed career school license within Oregon's jurisdiction.

On May 18, 2023, the Commission properly issued and served a Cease and Desist Letter and on September 13, 2023, the Commission properly issued and served a Notice of Civil Penalty. Career School License and Opportunity for a hearing (Notice). The Notice informed the school of the allegations against them and their right to a hearing if requested within the timeframe identified in the Notice. The Notice also designated the Commission's file as the record for purposes of establishing a prima facie case in the event of a default.

School failed to request a timely hearing.

NOW, THEREFORE, the Commission designates the Commission's file, including all materials submitted by School, as the record in these proceedings supporting its final order by default. The Commission makes the following Findings of Fact and Conclusions of Law and enters the following Final Order.

FINDINGS OF FACT

1. On March 30, 2023, School filed an "Application to Transact Business – Nonprofit" with the Oregon Secretary of State, as a public benefit corporation with its agent and founder listed as Shasta Winn of 65615 E Sandy River Lane, Rhododendron, Oregon 97049; the President listed as Shasta Winn, and address listed as 65615 E Sandy River Lane, Rhododendron, Oregon; and its Secretary listed as Doreen Marvell, with an address listed 65615 E Sandy River Lane, Rhododendron, Oregon 97049
<http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/9368800>
2. On May 18, 2023, the Commission sent School a Cease and Desist notice to School. The notice ordered that no person, partnership, association, corporation, or Limited Liability Company should hold itself out to be a school, solicit students, or collect fees prior to the receiving a career school license as provided by OAR 715-045-0006(1).
3. On August 24, 2023, School submitted correspondence requesting exemption from licensure under ORS 345.015(11), claiming it is "providing instruction or training relating solely to religion."
4. The Commission considered School's exemption information and determined ORS 345.015(11) does not apply to School.

5. On September 13, 2023, the Commission sent a proposed notice of violation and assessment of civil penalty and explained why School is not exempt under ORS 345.015(11).
6. On September 14, 2023, by email, School acknowledged receipt of the proposed notice of violation and assessment of civil penalty.
7. From May 18, 2023, through September 13, 2024, School advertised its Oregon Psilocybin Facilitator Training program despite having received a Cease and Desist letter from the Commission. School advertised on its webpage at the following address: Myco-Method - Psilocybin Facilitator, Oregon Facilitator (<https://myco-method.com/about>) as late as September 13, 2023.
8. Prior to May 18, 2023, School voluntarily sought approval from the State of Oregon for its Myco-Method Program as a facilitator training program that meets OHA approval/licensure requirements, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090.
9. Approval by OHA of a facilitator training program is a license under ORS 183.310(5).
10. The license issued by OHA is a secular license.
11. The curriculum taught by School must be reviewed and approved by OHA prior to being approved/licensed by OHA under OAR 333-333-3020 through 333-333-3035.
12. Under OAR 333-333-3050 through 3060, OHA requires each approved/licensed facilitator training program to teach “core requirements” and specifies the “curriculum modules” a licensed training program must provide its students.
13. Under OAR 333-333-3090(1), OHA requires “[t]raining programs shall maintain a level of training for students such that students who successfully complete the program’s training could reasonably expect to possess the knowledge and skills required to practice as a facilitator.”
14. Under OAR 333-333-3090, OHA requires each facilitator training program to provide an exam and endorsement for its students.
15. Prior to May 18, 2023, School’s Myco-Method Program was approved by the State of Oregon, Oregon Health Authority (“OHA”) as a facilitator training program that meets licensure requirements, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090.
16. School is choosing to teach programs required by the secular OHA facilitator training program to prepare students to practice as OHA licensed facilitators.
17. At all material times, including from May 18, 2023 through September 13, 2023, School was operating a facilitator training program approved/licensed to the State of Oregon’s OHA licensed facilitator training program, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090.
18. At all material times, including from May 18, 2023 through September 13, 2023, School was providing instruction and training to students related to the State of Oregon’s

licensed facilitator training program, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090.

19. At all material times, including from May 18, 2023 through September 13, 2023, School was providing instruction and training to students required by OHA, including OHA-required core requirements and curriculum modules, which are training and instruction other than religion.
20. At all material times, including from May 18, 2023 through September 13, 2023, School was not “providing instruction or training relating solely to religion” and does not meet the exemption requirements in ORS 345.015(11). School was providing instruction and training on an OHA approved facilitator training program, including OHA-required instruction, to meets licensure requirements, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090,
21. School is in a violation of ORS 345.030(1) and Oregon Administrative Rule (OAR) 715-045-0006(1) by operating a career school without a career school license.
22. School failed to file a timely request of the proposed notice of violation and request for hearing and is in default.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Commission makes the following Conclusions of Law:

1. The Commission has jurisdiction over School and the subject matter of this proceeding, pursuant to ORS chapter 345.010 to ORS 345.450 and OAR chapter 715, division 45.
2. On September 13, 2023, the Commission sent a proposed notice of violation and assessment of civil penalty for School’s violation of ORS 345.030(1) and OAR 715-045-0006(1). The Commission also explained why School is not exempt under ORS 345.015(11).
3. On September 14, 2023, by email, School acknowledged receipt of the proposed notice of violation and assessment of civil penalty.
4. School failed to file a timely request for hearing of the proposed notice of violation and is in default.
5. ORS 345.030(1) provides “[a] person may not open, conduct or do business as a career school in this state without obtaining a license under ORS 345.010 to 345.450.”
6. ORS 345.010(3) defines “Career school” as “any private proprietary professional, technical, home study, correspondence, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession.”
7. ORS 174.100(7) provides that the term “Person” “includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies.”

8. OAR 715-045-0006(1) provides “(1) [a]ny person, partnership, association, corporation, or Limited Liability Company desiring to function as a private career school as defined in ORS 345.010 shall submit an application for its first approval year on forms provided by the Higher Education Coordinating Commission. No person, partnership, association, corporation, or Limited Liability Company shall hold itself out to be a school, solicit students, or collect fees prior to the date of the license. A school requesting exemption from licensure must request such exemption from the Executive Director of the Higher Education Coordinating Commission under the provision of 345.015.”
9. School is a “person” for purposes of ORS 345.030(1) and a “person, partnership, association, corporation, or Limited Liability Company” for purposes of OAR 715-045-0006(1). School is a career school as defined by ORS 345.010(3).
10. On March 30, 2023, School filed an “Application to Transact Business – Nonprofit” with the Oregon Secretary of State, as a public benefit corporation with its agent and founder listed as Shasta Winn of 65615 E Sandy River Lane, Rhododendron, Oregon 97049; the President listed as Shasta Winn, and address listed as 65615 E Sandy River Lane, Rhododendron, Oregon; and its Secretary listed as Doreen Marvell, with an address listed 65615 E Sandy River Lane, Rhododendron, Oregon 97049
<http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/9368800>
11. Prior to May 18, 2023, School voluntarily sought approval from the State of Oregon for its Myco-Method Program as an OHA approved facilitator training program that meets licensure requirements, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090.
12. Prior to May 18, 2023, School’s Myco-Method Program was approved by the State of Oregon, OHA as a facilitator training program that meets licensure requirements, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090.
13. School’s Myco-Method Program, approved by the State of Oregon, OHA as a facilitator training program that meets licensure requirements, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090, is a “career school” as defined by ORS 345.010(3).
14. OHA’s approval of School’s facilitator training program is an Oregon license under ORS 183.310(5). OHA’s approval of School’s facilitator training program is a secular license.
15. School is choosing to teach programs required by the secular OHA approved/licensed facilitatory training program to prepare students to practice as OHA licensed facilitators.
16. Under OAR 333-333-3020 through 333-333-3035, the curriculum taught by School was reviewed and approved by OHA prior to OHA issuing an approval license to School.
17. Under OAR 333-333-3050 through 3060, OHA requires School to teach “core requirements” and specifies the “curriculum modules” School must provide to School’s students. The training and instruction provided by School include the OHA-required core requirements and curriculum modules, which are training and instruction other than religion.
18. Under OAR 333-333-3090(1), School “shall maintain a level of training for students such that students who successfully complete the program’s training could reasonably expect

to possess the knowledge and skills required to practice as a facilitator [licensed in Oregon].”

19. Under OAR 333-333-3090, School is required to provide an exam and endorsement for its students.
20. School's is providing instruction and training to students related to the State of Oregon's licensed facilitator training program, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090. School is teaching students to prepare students to practice as OHA licensed facilitators, which is a secular licensing program of the State of Oregon.
21. The School is not “providing instruction or training relating solely to religion” to meet the exemption requirements in ORS 345.015(11).
22. From May 18, 2023, through September 13, 2024, School was operating a career school as an OHA-approved facilitator training program without a career school license, in violation of ORS 345.030(1) and OAR 715-045-0006(1).
23. From May 18, 2023, through September 13, 2024, School was holding itself out to be a school, solicited students, or collected fees without having first received a career school license, as required by ORS 345.030(1) and OAR 715-045-0006(1).
24. From May 18, 2023, through September 13, 2024, School advertised its Oregon Psilocybin Facilitator Training program on its webpage at the following address: Myco-Method - Psilocybin Facilitator, Oregon Facilitator (<https://myco-method.com/about>) without having first received a career school license, as required by ORS 345.030(1) and OAR 715-045-0006(1).
25. From May 18, 2023, through September 13, 2024, School admitted students into its Myco-Method Program without having first received a career school license, as required by ORS 345.030(1) and OAR 715-045-0006(1)..
26. From May 18, 2023, through September 13, 2024, School collected fees from students taking the Myco-Method Program without having first received a career school license, as required by ORS 345.030(1) and OAR 715-045-0006(1)..
27. School was not exempt from career school licensure or regulation under ORS 345.015(11).
28. Under ORS 345.995 and OAR 715-045-0190, the Commission may issue a civil penalty of up to \$500 per violation and upon considering: (1) the past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation; (2) any prior violations of ORS 345.010 (Definitions for ORS 345.010 to 345.450 and 345.992 to 345.997) to 345.450 (Annual inspection).
29. Based on the School's failure to take action and cease operating as an unlicensed career school, and School's continuing intentional or knowing violations of ORS 345.030(1) and OAR 715-045-0006(1), the Commission imposes a civil penalty of \$500 for violating ORS 345.030(1) and OAR 715-045-0006(1).

FINAL ORDER

1. Based on the foregoing Findings of Fact and Conclusions of Law, School is found to be operating an unlicensed career school in violation of 345.030(1) and OAR 715-045-0006(1).
2. School is assessed a civil penalty in the amount of \$500, which must be paid within 30 days of the date of service of this order.
3. School must immediately cease all solicitation, advertisement, enrollment in, instruction, and training in School's Myco-Method State of Oregon's licensed facilitator training program, under ORS 475A.380 and OAR 333-333-3010 through and 333-333-3090.
4. School must provide a letter signed by an authorized representative of School confirming compliance with this Final Order within 30 days of the date of service of this order.

Dated October 27, 2023

HIGHER EDUCATION COORDINATION COMMISSION



Veronica Dujon,
Director, Office of Academic Policy and Authorization

APPEAL RIGHTS

You are entitled to judicial review of this order in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals for the State of Oregon in Salem, Oregon, within 60 days of the date of service of this order.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS

Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal

Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free number.

Once a final order by default is issued, you must comply.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of October 2023, I served the FINAL ORDER BY DEFAULT upon the parties hereto, a full, true and correct copy thereof, by the First Class Mail and email as indicated below:

Caleb Davis
3225 25th St SE
Salem, OR 97302
caleb.davis@hecc.oregon.gov
HIGHER EDUCATION COORDINATION COMMISSION



Caleb Davis,
Office Specialist II APA

10/27/2023

Date